

From: [Gloria-Small Moran](#)
To: [Rafael Casanova](#)
Cc: [Carlos Sanchez](#); [Philip Allen](#); [Robert Werner](#); [Gary Moore](#)
Subject: Re: Falcon Refinery - Site Team Prelim Preparation for Wednesday, March 10th 10:00am Meeting - REPLY
Date: 03/09/2010 04:10 PM

Rafael:

Thank you for your response.

My RESPONSE

A. Letters of Credit:

There are two letters of credit, each drawn for \$500,000. To access the 1 million dollars, the original letters of credit (in my possession), a sight draft and a signed statement from EPA that NORCO has defaulted must be presented to the bank.

Alternative Enforcement Options

1. While the PRP has stated that EPA may access the letters of credit, counsel has indicated that the PRP may be in the position to continue with the obligations under the AOCs, if monies become available because of the sale of the site. So, a check with the PRP to determine status of sale, prior to formal enforcement action. A check with the PRP to determine if resumption of removal action and RI/FS work to occur. (Note that under the RI/FS AOC, the PRP remains liable even if the site is sold).

2. Final listing of Site on NPL. (Re-proposal required)? Proceed to access letters of credit for RI/FS and, probably, removal action completions. EPA to perform work. (Estimated costs of RD/RA could be an issue).

3. Referral of PRP to DOJ for enforcement.

Recommendation:

1 and, as appropriate, 2.

Gloria Moran
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▼ [Re: Falcon Refinery - Site Team Prelim Preparation for Wednesday, March 10th 10:00am Meeting](#)

**Re: Falcon Refinery - Site Team Prelim Preparation for Wednesday,
March 10th 10:00am Meeting** 



9567434

Rafael
Casanova to: Gloria-Small Moran

03/09/2010
10:04 AM

Cc: Philip Allen, Carlos Sanchez

Gloria, here are my thoughts to your questions based on the status of the RI when I left for surgery:

1. Status of RI/FS work performed by NORCO and remaining RI/FS work to be performed:
Limited background and sediment sampling; QA of data from Kleinfelder; and preparation of RI/FS Reports, HH/Eco Risk Assessments, Proposed Plan, and ROD.
2. Estimated cost of remaining RI/FS:
approximately 300K including additional sampling and preparation of final reports.
3. Estimated time to complete:
approximately 3 months for sampling, 6 months for reports, 3-6 months for Proposed Plan and ROD. Total about 1 1/2 years?
4. Effect of oil spill, if any, on RI/FS work to be performed.
?
5. RD/RA target dates
early 2012.

Additional actions needed:

start procedures for obtaining letters of credit (prepare RI/FS SOW and IGCE for RACs contractor), file windfall and property liens before selling of the property, obtain data from Kleinfelder, list site on NPL.

Rafael Casanova, P.G. (Remedial Project Manager, Environmental Scientist)
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Assigned Sites for Investigation and Remediation
(<http://www.epa.gov/earth1r6/6sf/6sf-tx.htm>):
Brine Service Company Superfund Site (Corpus Christi, Texas)
Falcon Refinery Superfund Site (Ingleside, Texas)

Many Diversified Interests, Inc. Superfund Site (Houston, Texas)

▼ Gloria-Small Moran---03/05/2010 03:44:27 PM---Hello Team: If we are not able to meet in a site team meeting before the Wednesday, March 10th meet

From: Gloria-Small Moran/R6/USEPA/US
To: Robert Werner/R6/USEPA/US@EPA, Rafael Casanova/R6/USEPA/US@EPA, Gary Moore/R6/USEPA/US@EPA, Philip Allen/R6/USEPA/US@EPA
Date: 03/05/2010 03:44 PM
Subject: Falcon Refinery - Site Team Prelim Preparation for Wednesday, March 10th 10:00am Meeting

Hello Team:

If we are not able to meet in a site team meeting before the Wednesday, March 10th meeting with our managers, each of us should be apprised of some preliminary information which will be factored into the recommendation that we will be formulating. If possible, please reply to all for the information of all of us responses to the following information:

Bob Werner

Status of Letters of Credit - Still valid?
Independent financial info for NORCO
Other PRPs

Rafael Casanova and Philip Allen

Status of RI/FS work performed by NORCO and remaining RI/FS work to be performed
Estimated cost of remaining RI/FS
Estimated time to complete
Effect of oil spill, if any, on RI/FS work to be performed
RD/RA target dates

Gary Moore

Status of removal work performed by NORCO and remaining removal work to be performed
Estimated cost of remaining removal work
Estimated time to complete remaining removal work
Oil spill

Gloria Moran

Letters of Credit, if still valid, "cashing them in"
Alternative enforcement options for NORCO - Referral, Final Listing of Site

All

Suggested recommendations

If possible, please provide your general responses with a reply to all to this email no later than Tuesday, March 9, 2010 at 3:00pm. Of course,

please include other relevant information that you deem appropriate in your responses.

Thank you,

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